

**THE MINUTES OF THE CITY COUNCIL MEETING HELD
MONDAY, NOVEMBER 2, 2015 AT 3:00 P.M.**

The Meeting was called to order at 3:00 p.m. Present: Council Chair Fellers; Council Members: Camp, Christensen, Eskridge, Gaylor Baird, Lamm, Raybould; City Clerk, Teresa J. Meier.

Council Chair Fellers announced that a copy of the Open Meetings Law is posted at the back of the Chamber by the northwest door. He asked all present to stand and recite the Pledge of Allegiance and observe a moment of silent meditation.

READING OF THE MINUTES

GAYLOR BAIRD Having been appointed to read the minutes of the City Council proceedings of October 26, 2015, reported having done so, found same correct.

Seconded by Lamm and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MAYOR'S AWARD OF EXCELLENCE

Mayor Chris Beutler came forward to present the Mayor's Award of Excellence for the month of August, 2015. The presentation was made to Police Officer Christopher Fields, from the Central Investigations Section of the Lincoln Police Department in the categories of Customer Relations and Productivity. Mayor Beutler stated that Officer Fields has worked for the City since 2008 and was nominated by Sgt. Ben Miller for his work solving several cases over the last year. These cases included a burglary of a child development center and the recovery of the property purchased using stolen funds, arresting a suspect for tampering with a witness, removing a dangerous offender off the streets, and investigating a case of embezzlement. Mayor Beutler said it was his pleasure to present this award to Chris Fields for his hard work and commitment to the City of Lincoln.

Police Chief Peschong came forward and said he wanted to thank the Mayor and members of the City Council for recognizing Officer Chris Fields for his hard work and dedication. He has been doing a fantastic job which has been much appreciated.

Officer Fields came forward and thanked everyone for the award. He stated that those in his department do the same work if not more than he and this is just a small portion of what is unseen.

PUBLIC HEARING

APPOINTING TOM RANDA TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2016. (10/26/15 - P.H. & ACTION CONT'D TO 11/2/15) - Judy Halstead, Lincoln/Lancaster County Health Director, came forward to present Tom Randa, Executive Director of the Good Neighbor Community Center. He is being recommended for the Lincoln/Lancaster Board of Health.

Tom Randa, 2617 Y St., came forward and stated he came from Kenya in 2000 and graduated from Union College in 2005. He said his focus has been working with the low income community and being a voice for them as well as assisting them in facing barriers in language and culture.

This matter was taken under advisement.

APPLICATION OF JESACHTO, INC. DBA BARVINO FOR A CLASS C LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE H.;

MANAGER APPLICATION OF JENNIFER M. TOMKA FOR JESACHTO, INC. DBA BARVINO AT 2801 PINE LAKE ROAD, SUITE H - Jennifer Tomka, 2801 Pine Lake Rd, Ste H, came forward and took the oath. She gave a brief background on what barVino would be offering.

Jane Raybould, Council Member, inquired about the waiver request.

Ms. Tomka said they cannot block off the sidewalk as it is a public sidewalk that is in front of the entire strip. Her waiver request would be to designate a pathway from the door to the patio. They are actually going to paint the sidewalk into a path and this will be the only way you can take wine into the patio. There will also be signage to let patrons know.

Roy Christensen, Council Member, asked if this will necessitate a hearing at the State Liquor Commission.

Ms. Tomka said she was not sure yet.

Carl Eskridge, Council Member, asked if it would be possible to have servers bring out the wine rather than have patrons carry their own wine out.

Ms. Tomka stated it would be possible, and they plan to gate the entry and keep a watch on the patio area.

Jon Camp, Council Member, asked about the easement for the sidewalk on her application.

Ms. Tomka responded that the easement is through her landlord, Krueger Development. She said she was aware of similar waivers allowed in Omaha.

Jane Raybould, Council Member, asked if Council has any authority to grant a waiver based on the Nebraska Statute as it now reads.

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Tonya Peters, Assistant City Attorney, stated it is not clear from the Statute whether or not a waiver would be appropriate. They have had these requests in the past and have not approved them because they have held strict to the Statute that they need to have exclusive control. It is helpful that the easement language is in Ms. Tomka's contract, but it is not any different than any other easement that the other businesses have. Ms. Peters stated that it is a semi-public sidewalk and it is on the landlords private property, so they have more control of what occurs on that sidewalk compared to what a downtown business may have. Some parameters will need to be set on what we are going to allow and this application will get a hearing before the Nebraska Liquor Commission. A Council vote either way will give staff direction to what needs to be communicated to the Liquor Commission. Discussion followed.

Jon Camp, Council Member, asked if there had been any discussion with the landlord about putting the sidewalk on the outside.

Ms. Tomka said the landlord was concerned with the ADA requirements and didn't want to block the sidewalk since all the businesses utilize it.

This matter was taken under advisement.

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2979 FOR A CLASS D LIQUOR LICENSE AT 4135 SOUTH 48TH STREET;

MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2979 AT 4135 SOUTH 48TH STREET - Michelle Crites, District Manager, 2111 SW 18th St., came forward and took the oath.

Jon Camp, Council Member, asked if the sidewalk had been extended out to help the other neighbors.

Ms. Crites said yes, it was extended out.

This matter was taken under advisement.

****Jane Raybould, Council Member, left Council Chambers at 3:34 p.m.****

MANAGER APPLICATION OF MATTHEW J. KEMPSTON FOR B&R STORES, INC. DBA SUPER SAVER #9 AT 2662 CORNHUSKER HIGHWAY - Matthew Kempston, Store Director, 4910 Happy Hollow Lane, came forward and took the oath.

This matter was taken under advisement.

MANAGER APPLICATION OF TANA R. VANARSDALE FOR B&R STORES, INC. DBA SUPER SAVER #17 AT 2525 PINE LAKE ROAD - Tana Vanarsdale, Store Director, 2617 SW 17th St., came forward and took the oath.

This matter was taken under advisement.

****Jane Raybould, Council Member, returned to Council Chambers at 3:35 p.m.****

MANAGER APPLICATION OF SHANE T. BAUER FOR GRANITE CITY RESTAURANT OPERATIONS, INC. DBA GRANITE CITY FOOD & BREWERY AT 6150 O STREET - Shane Bauer, General Manager, 6150 O St., came forward and took the oath.

This matter was taken under advisement.

APPLICATION OF FUCOR, INC. DBA VENUE TO EXPAND ITS CLASS CK LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS IRREGULAR SHAPED SINGLE STORY AREA, SUITES #100, #101, #103, IN STRIP MALL APPROXIMATELY 132 FEET BY 160 FEET INCLUDING OUTDOOR AREA APPROXIMATELY 10 FEET BY 40 FEET TO THE SOUTH LOCATED AT 4111 PIONEER WOODS DRIVE, SUITE #100 AND 4107 PIONEER WOODS DRIVE, SUITES #101 AND #103 - Justin Cooksley, 6015 Sumner and Scott Ritter, 7510 Glen Oaks, both came forward and took the oath. They plan on adding a catering kitchen and two additional party/conference rooms. Discussion followed.

This matter was taken under advisement.

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY KEN SEMLER TO CONSTRUCT STEPS AT EXISTING EXIT TO ACCESS 2ND FLOOR APARTMENT AT 303 SOUTH 11TH STREET - Bob Simmering, Public Works Engineering, came forward and gave background on this request. He said Public Works has reviewed the request and gave their recommendation for approval.

Leirion Gaylor Baird, Council Member, wanted to verify that the sidewalk was actually in an alley as opposed to being on M St. or 11th St.

Mr. Simmering responded that it starts at the alley and extends into the sidewalk on the north side of that building. There is a railing around the landing and it extends down the sidewalk, the area is lighted and there is an additional 15 ft. of space for pedestrians. He stated that there are a number areas where there are door swings and steps that extend into the sidewalk that have been approved under various conditions. Discussion followed.

Ken Semler, 303 S. 11th, came forward and stated the he owns the building. To get out of the back door now there is a 2ft. drop. He would like to have the door swing out and to be able to take steps down. He will also be placing a railing around the steps to avoid any obstacles. He said around the other side of the building is the front door on 11th Street, but that this would be an emergency exit and said the Fire Marshall wanted him to add a step.

Jeff Kirkpatrick, City Attorney, came forward and stated that Council could vote it down but it would still be a space that could be occupied, but he didn't know that for a fact.

Mr. Semler verified that the Fire Marshall said he should be able to safely get out of the door and there should be steps, but he did not say he could not live there without these changes.

Mr. Kirkpatrick said they are requiring Mr. Semler to have insurance and he would be responsible for anything that would happen.

This matter was taken under advisement.

APPROVING AND ADOPTING THE LOWER PLATTE SOUTH NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR ELIGIBILITY OF FEDERAL DISASTER MITIGATION FUNDS - Jared Nelson, Public Works Watershed Management Division, came forward and stated that this was an update that is required every 5 years and gave a brief synopsis of the plan. He said to apply for the federal grants program they have to be eligible and have an approved Hazard Mitigation Plan.

Jon Camp, Council Member, asked if they could go over the changes since the last 5 year plan.

Jeff Hinson, JEO Consulting Group, 2713 Sewell St., stated the changes are the expansion of the risk assessments to include manmade hazards, updating of demographics and local information and plan integration with parts of the comprehensive plan pulled in. The financial impact for the City would be the eligibility to apply for the hazard mitigation grant program which would be a positive.

Mr. Nelson added that after the first grant was approved and adopted, the City applied and received approximately \$7 million dollars to help fund the 14th & Beal Slough Project.

This matter was taken under advisement.

ANNEXATION 15009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.02 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD. (RELATED ITEMS: 15-132, 15-133);

CHANGE OF ZONE 15026 - APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD. (RELATED ITEMS: 15-132, 15-133) - Roger Schwisow, 1354 Pelican Bay Place, came forward and stated they are adding new housing on the north bank preserve on North 56th and Alvo Rd. south along South Creek. He said this would bring in 25 new lots for future housing.

Jon Camp, Council Member inquired if there were any implications as far as City roads that the City would incur.

Mr. Schwisow responded that they have paid for everything thus far and that this is an existing subdivision that they are now bringing into the City limits.

This matter was taken under advisement.

AMENDING CHAPTER 2.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MAYOR'S AUTHORITY TO EXECUTE CONTRACTS BY ADDING A NEW SECTION NUMBERED 2.06.120 REQUIRING COUNCIL APPROVAL OF NON-BID CONTRACTS ABOVE \$50,000.00 - Jon Camp, Council Member, stated this was the piece of legislation that he worked with the Law Department on. He said the premise of this was to promote communication, to ensure we have a process in place and most important to have transparency in projects. Discussion followed.

Tim Hruza, Director of Policy & Research for LIBA, 5001 S 65th St., came forward with a short statement in support of Councilman Camp's proposal.

Jane Kinsey, Watchdogs of Lincoln, came forward and stated they are in support of this ordinance.

Micki Esposito, Public Works & Utilities Director, came forward and stated she wanted to share some unintended consequences that could come from this legislation. They are trying to deliver quality, efficiency and get products and services to the public as quickly as possible at the lowest cost. Time is money, and in an environment where it is difficult to ask for revenue and additional money what can be capitalized on is time. It is important to have a process in place that works fast, works efficiently, can be speeded up without delays, without over regulation and without bureaucracy. She said they appreciate the goals of Councilman Camp's legislation and believe the current process for contract execution meets those goals. She gave the example of E.O. 80199 that established the process in 2007 and has been successfully utilized over the last 8 years.

Donna Gardner, Public Works & Utilities, came forward and questioned the language of the legislation presented which could affect the smallest of contracts. In regards to change orders and amendments, they are concerned that any change order that did produced an amendment could stop work in the field because of delays waiting for Council for approval. Ms. Gardner said that 80 to 90% of amendments are for change orders. Discussion followed.

Jackie McCullough, Executive Director of the American Council of Engineering Companies of Nebraska, 301 S. 13th St., #410, came forward in opposition of the proposed ordinance. She stated the current E.O. in place helps to streamline the process, makes it simpler, more efficient, and allows a quicker

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way to get things done. When the ordinance was created in 2007, the Mayor's staff worked with industry to develop the E.O. They were asked by the City to survey other cities of similar size and provide what kind of procurement methods were being used. She said the concern was the sheer number of contracts that would need to be seen and the time delays that might occur. Discussion followed.

Carl Eskridge, Council Member, asked about the cost increase from 2007 to now.

Ms. McCullough said she did not know the exact number, but was sure of an increase. What came out of the Engineering Task Force, was the importance of keeping the process streamlined which would allow projects to get started sooner. Coming to Council to get approvals could be a set back.

Jon Camp, Council Member, said he appreciated the comments from staff and those who came forward and looked forward to receiving more information.

Jeff Kirkpatrick, City Attorney, came forward and said the Law Department did assist in drafting the proposal, but paragraphs 1 and 2 are not mutually exclusive and by working together, there could be more clarification.

This matter was taken under advisement.

COUNCIL ACTION

REPORTS OF CITY OFFICERS

APPOINTING TOM RANDA TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR A TERM EXPIRING APRIL 15, 2016. (10/26/15 - P.H. & ACTION CONT'D TO 11/2/15) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89324 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Tom Randa to the Lincoln-Lancaster County Board of Health for a term expiring April 15, 2016, is hereby approved.

Introduced by Roy Christensen

Seconded by Gaylor Baird and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

RESOLUTION SETTING THE HEARING DATE OF MONDAY, DECEMBER 14, 2015, AT 3:00 P.M. FOR THE ASSESSMENT OF WEED ABATEMENT COSTS INCURRED BY THE CITY OF LINCOLN FOR THE PERIOD OF JANUARY 1, 2015 THROUGH DECEMBER 31, 2015 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89325 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That a public hearing date of Monday, December 14, 2015, at 3:00 p.m. or as soon thereafter as possible is hereby set on the assessment of weed abatement costs incurred by the City of Lincoln, Nebraska, for the period of January 1, 2015 through December 31, 2015.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PETITIONS & COMMUNICATIONS

PLACED ON FILE IN THE OFFICE OF THE CITY CLERK:

ADMINISTRATIVE AMENDMENT NO. 15103 TO SPECIAL PERMIT #2046A, APPIAN WAY REGIONAL CENTER PHASE II, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 20, 2015, REQUESTED BY CLARK ENERSEN PARTNERS, TO REVISE THE LAND USE/TRIP GENERATION TABLE TO SHOW COMMERCIAL RECREATION FACILITY FOR LOT 1, BLOCK 3, GENERALLY LOCATED AT S. 84TH STREET AND HIGHWAY 2.

ADMINISTRATIVE AMENDMENT NO. 15108 TO NORTH HILLS 8TH ADDITION, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 20, 2015, REQUESTED BY CIVIL DESIGN GROUP, TO ACCEPT THE AFFIDAVIT OF SURVEYOR TO CORRECT TYPOGRAPHICAL ERRORS ON THE FINAL PLAT, GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVENUE.

ADMINISTRATIVE AMENDMENT NO. 15087 TO PRELIMINARY PLAT #03004, NORTHBANK JUNCTION, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 21, 2015, REQUESTED BY REGA ENGINEERING, TO REVISE THE GRADING AND DRAINAGE PLANS, UPDATE THE SITE PLAN AND STREET PROFILES SOUTH OF ALVO ROAD, AND ADD NOTE REFLECTING A PHASING CONDITION OF THE ANNEXATION AGREEMENT, GENERALLY LOCATED AT N. 56TH STREET AND ALVO ROAD.

ADMINISTRATIVE AMENDMENT NO. 15107 TO VILLAGE MEADOWS 10TH ADDITION FINAL PLAT, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 21, 2015, REQUESTED BY OLSSON ASSOCIATES, TO ACCEPT THE AFFIDAVIT OF SURVEYOR TO CORRECT TYPOGRAPHICAL ERRORS ON THE FINAL PLAT, GENERALLY LOCATED AT S. 63RD STREET AND YANKEE HILL ROAD.

ADMINISTRATIVE AMENDMENT NO. 15112 TO PRE-EXISTING SPECIAL PERMIT #1, COUNTRY CLUB, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 21, 2015, REQUESTED BY SAMPSON CONSTRUCTION, TO ADD A STIPULATION THAT “ACCESSORY BUILDINGS ALONG STREET FRONTAGES ARE ALLOWED OUTSIDE OF THE 30' FRONT YARD SETBACK AND DO NOT NEED TO BE SHOWN ON THE SITE PLAN”, GENERALLY LOCATED AT S. 20TH STREET AND VAN DORN STREET.

ADMINISTRATIVE AMENDMENT NO. 15092 TO SPECIAL PERMIT/USE PERMIT #10B, EAST PARK, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 22, 2015, REQUESTED BY CALEB STRATE, TO SHOW THE EXISTING BUILDING IN THE GAS EASEMENT AND UPDATE THE COMMERCIAL FLOOR AREA, GENERALLY LOCATED AT N. 66TH STREET AND O STREET.

ADMINISTRATIVE AMENDMENT NO. 15011 TO CHANGE OF ZONE #11024, NORTH HILLS PUD, APPROVED BY THE ACTING PLANNING DIRECTOR ON OCTOBER 23, 2015, REQUESTED BY CIVIL DESIGN GROUP, TO CORRECT THE MINIMUM OPENING ELEVATION ON THE GRADING AND DRAINAGE PLAN FOR A GARAGE, GENERALLY LOCATED AT N. 14TH STREET AND FLETCHER AVENUE.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. FOR THE APPLICATION OF DRIVE METHOD LLC DBA METHOD CYCLES AND CRAFTHOUSE FOR A CLASS C LIQUOR LICENSE LOCATED AT 416 S. 11TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89326 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Drive Method LLC, dba Method Cycles and Crafthouse for a Class C Liquor License located at 416 S. 11th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. FOR THE APPLICATION OF 9500 LLC DBA LAZZARI'S PIZZA FOR A CLASS C LIQUOR LICENSE LOCATED AT 4701 OLD CHENEY RD., STE D - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89327 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of 9500 LLC dba Lazzari's Pizza for a Class C Liquor License located at 4701 Old Cheney Rd., Ste D.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. FOR THE APPLICATION OF WALKING HUBBLE, LLC DBA THE HOT MESS FOR A CLASS C LIQUOR LICENSE LOCATED AT 408 S. 11TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89328 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Walking Hubble, LLC dba The Hot Mess for a Class C Liquor License located at 408 S. 11th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. FOR THE APPLICATION OF MATTHEW MYERS DBA THE HAPPY RAVEN FOR A CLASS C LIQUOR LICENSE LOCATED AT 122 N 11TH ST, STE. 100B - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

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A-89329 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Matthew Myers dba The Happy Raven for a Class C Liquor License located at 122 N. 11th St., Ste. 100B.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. FOR THE APPLICATION OF SHOPKO STORES OPERATING CO., LLC DBA SHOPKO #175 FOR A CLASS B LIQUOR LICENSE LOCATED AT 6845 SOUTH 27TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89330 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Shopko Stores Operating Co., LLC dba Shopko #175 for a Class B Liquor License located at 6845 South 27th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF PERRY PIRSCH FOR LAM KUAI FANG, LLC DBA PERFECT DINER LOCATED AT 2855 NORTH 27TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89331 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Manager Application of Perry Pirsch for Lam Kuai Fang, LLC dba Perfect Diner located at 2855 North 27th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 16, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF JACKSON H. BORNEMEIER FOR SWI6, LLC DBA 9 SOUTH CHARGRILL LOCATED AT 844 SOUTH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89332 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 16, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Manager Application of Jackson H. Bornemeier for SWIG, LLC dba 9 South Chargrill located at 844 South Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, ~~NOVEMBER 16, 2015 AT 3:00 P.M.~~ DECEMBER 7, 2015 AT 3:00 P.M. ON THE MANAGER APPLICATION OF TYLER D. POPP FOR B&R STORES, INC., DBA SUPER SAVER #11 LOCATED AT 5460 S. 56TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89333 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, ~~November 16~~ December 7, 2015 at 3:00 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Manager Application of Tyler D. Popp for B&R Stores, Inc. dba Super Saver #11 located at 5460 S. 56th Street.
If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 23, 2015 AT 5:30 P.M. FOR THE APPLICATION OF KELLI'S PUB, LLC DBA KELLI'S PUB FOR A CLASS C LIQUOR LICENSE LOCATED AT 1318 N. 66TH STREET - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89334 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Kelli's Pub LLC dba Kelli's Pub for a Class C Liquor License located at 1318 N. 66th Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

SETTING THE HEARING DATE OF MONDAY, NOVEMBER 23, 2015 AT 5:30 P.M. FOR THE APPLICATION OF MARCI DAVISON DBA CARMELA'S BISTRO FOR A CLASS C LIQUOR LICENSE LOCATED AT 4141 PIONEER WOODS, STE. 110 - CLERK read the following resolution, introduced by Leirion Gaylor Baird, who moved its adoption:

A-89335 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby set for Monday, November 23, 2015 at 5:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th Street, Lincoln, NE on the Application of Marci Davison dba Carmela's Bistro for a Class C Liquor License located at 4141 Pioneer Woods Dr., Ste. 110.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Leirion Gaylor Baird

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

LIQUOR RESOLUTIONS

APPLICATION OF JESACHTO, INC. DBA BARVINO FOR A CLASS C LIQUOR LICENSE AT 2801 PINE LAKE ROAD, SUITE H - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89336 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of JeSaChTo, Inc. dba barVino for a Class "C" liquor license at 2801 Pine Lake Road, Suite H, Lincoln, Nebraska, for the license period ending October 31, 2016, be approved with the condition that:

1. Approval of this application is limited to the indoor area located at 2801 Pine Lake Road, Suite H. The outdoor area is deemed to be denied by the City Council as it is not immediately adjacent to the indoor area.
2. Applicant must successfully complete the responsible beverage manager training course required by Section 5.04.035 of the Lincoln Municipal Code prior to receiving the liquor license from the City Clerk.
3. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
4. The premises must comply in every respect with all city and state regulations.
5. There be no business or personal alcohol related offenses by the applicant within the first year after approval.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF JENNIFER M. TOMKA FOR JESACHTO, INC. DBA BARVINO AT 2801 PINE LAKE ROAD, SUITE H - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89337 WHEREAS, JeSaChTo, Inc. dba barVino located at 2801 Pine Lake Road, Suite H, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Jennifer M. Tomka be named manager;

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WHEREAS, Jennifer M. Tomka appears to be a fit and proper person to manage said business.
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Jennifer M. Tomka be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2979 FOR A CLASS D LIQUOR LICENSE AT 4135 SOUTH 48TH STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89338 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Casey's Retail Company dba Casey's General Store #2979 for a Class "D" liquor license at 4135 South 48th Street, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

2. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF TINA M. KRINGS FOR CASEY'S RETAIL COMPANY DBA CASEY'S GENERAL STORE #2979 AT 4135 SOUTH 48TH STREET CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89339 WHEREAS, Casey's Retail Company dba Casey's General Store #2979 located at 4135 South 48th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Tina M. Krings be named manager;

WHEREAS, Tina M. Krings appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Tina M. Krings be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

MANAGER APPLICATION OF MATTHEW J. KEMPSTON FOR B&R STORES, INC. DBA SUPER SAVER #9 AT 2662 CORNHUSKER HIGHWAY - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89340 WHEREAS, B&R Stores, Inc. dba Super Saver #9 located at 2662 Cornhusker Highway, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Matthew J. Kempston be named manager;

WHEREAS, Matthew J. Kempston appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Matthew J. Kempston be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSTAINED: Raybould.

MANAGER APPLICATION OF TANA R. VANARSDALE FOR B&R STORES, INC. DBA SUPER SAVER #17 AT 2525 PINE LAKE ROAD - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89341 WHEREAS, B&R Stores, Inc. dba Super Saver #17 located at 2525 Pine Lake Road, Lincoln, Nebraska has been approved for a Retail Class "C" liquor license, and now requests that Tana R. VanArsdale be named manager;

WHEREAS, Tana R. VanArsdale appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Tana R. VanArsdale be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm; NAYS: None; ABSTAINED: Raybould.

MANAGER APPLICATION OF SHANE T. BAUER FOR GRANITE CITY RESTAURANT OPERATIONS, INC. DBA GRANITE CITY FOOD & BREWERY AT 6150 O STREET - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89342 WHEREAS, Granite City Restaurant Operations, Inc. dba Granite City Food & Brewery located at 6150 O Street, Lincoln, Nebraska has been approved for a Retail Class "L" liquor license, and now requests that Shane T. Bauer be named manager;

WHEREAS, Shane T. Bauer appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Shane T. Bauer be approved as manager of this business for said licensee.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

APPLICATION OF FUCOR, INC. DBA VENUE TO EXPAND ITS CLASS CK LIQUOR LICENSE BY THE ADDITION TO THE AREA OF A NEW LICENSED AREA DESCRIBED AS IRREGULAR SHAPED SINGLE STORY AREA, SUITES #100, #101, #103, IN STRIP MALL APPROXIMATELY 132 FEET BY 160 FEET INCLUDING OUTDOOR AREA APPROXIMATELY 10 FEET BY 40 FEET TO THE SOUTH LOCATED AT 4111 PIONEER WOODS DRIVE, SUITE #100 AND 4107 PIONEER WOODS DRIVE, SUITES #101 AND #103 - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption for approval:

A-89343 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Fucor, Inc. dba Venue to expand its licensed premises by the addition of a new licensed area described as an irregular shaped single story area, Suites #100, #101, #103, in the same strip mall approximately 132 feet by 160 feet including an outdoor area approximately 10 feet by 40 feet to the south, at 4111 Pioneer Woods Drive, Suite #100 and 4107 Pioneer Woods Drive, Suites #101 and #103, Lincoln, Nebraska, be approved with the condition that the premises complies in every respect with all City and State regulations, specifically the Smoking Regulation Act and the Nebraska Clean Indoor Air Act.

BE IT FURTHER RESOLVED that the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Jon Camp

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

PUBLIC HEARING - RESOLUTIONS

APPROVING THE USE OF PUBLIC RIGHT-OF-WAY BY KEN SEMLER TO CONSTRUCT STEPS AT EXISTING EXIT TO ACCESS 2ND FLOOR APARTMENT AT 303 SOUTH 11TH STREET - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89344 WHEREAS, Ken Semler has submitted an application for a permit to use approximately 34 square feet of M Street public right-of-way abutting the property located at 303 South 11th Street for construction of steps for access to an existing exit to the property at this location; and

WHEREAS, said applicant has submitted a letter of application and a site plan which are attached hereto, marked as Exhibit "A" and Exhibit "B" respectively, and made a part of this resolution by reference, to use the M Street public right-of-way as above described; and

WHEREAS, said applicant has complied with all of the provisions of Chapter 14.54 of the Lincoln Municipal Code pertaining to such use.

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NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application aforesaid of Ken Semler to use approximately 34 square feet of M Street public right-of-way abutting the property located at 303 South 11th Street for the purpose of constructing steps to access a 2nd floor apartment, be granted as a privilege only by virtue of and subject to strict compliance with the site plan, the letter of application, and the following terms and conditions:

1. That the permission herein granted is granted as a privilege only, and is subject to all the terms and conditions of Chapter 14.54 of the Lincoln Municipal Code including those provisions relating to the posting of a continuing bond in the amount of \$5,000, the filing of a certificate of insurance with a minimum combined single limit of \$500,000.00 aggregate for any one occurrence, and the payment of the annual fee of \$17.00 (34 square feet @ \$.50 per square foot) for the use of the surface of the public right-of-way.
2. That said use shall be in full accordance with the aforesaid application, the site plan filed therewith, and with all applicable City ordinances and regulations.
3. The applicant, his heirs, successors, or assigns shall save and keep the City free and harmless from any and all loss or damages or claims for damages arising from or out of the use of the M Street public way requested herein.
4. The applicant shall require his contractor to contact Diggers Hotline of Nebraska prior to commencing construction activities.
5. All work done under the authority of this resolution shall be subject to the inspection and approval of the Director of Public Works of the City of Lincoln.
6. The use of the public way herein granted and the terms and conditions of this resolution shall be binding and obligatory upon the above-named applicant, his successors, and assigns.
7. Within thirty (30) days from the adoption of this resolution, and before commencing any construction under the provisions hereof, the above-named applicant shall file an unqualified written acceptance of all the terms and conditions of this resolution with the City Clerk. Failure to do so will be considered a rejection hereof and all privileges and authorities hereunder granted shall thereupon automatically terminate.
8. The City Clerk is directed to deliver a copy of this resolution to the City Treasurer for setting up an account for collection of the applicant's annual fee.

Introduced by Carl Eskridge

Seconded by Raybould and carried by the following vote: AYES: Camp, Christensen, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: Eskridge.

APPROVING AND ADOPTING THE LOWER PLATTE SOUTH NRD MULTI-JURISDICTIONAL HAZARD MITIGATION PLAN FOR ELIGIBILITY OF FEDERAL DISASTER MITIGATION FUNDS - CLERK
read the following resolution, introduced by Jon Camp, who moved its adoption:

A-89345 WHEREAS, the Federal Disaster Mitigation Act of 2000 was signed in to law on October 30, 2000, placing new emphasis on state and local mitigation planning for natural hazards and requiring communities to adopt a hazard mitigation action plan to be eligible for pre-disaster and post-disaster federal funding for mitigation purposes; and

WHEREAS, a Multi-jurisdictional All Hazard Mitigation Plan, which includes the jurisdiction of the City of Lincoln, Nebraska, was prepared in accordance with FEMA requirements at 44 C.F.R. 201.6, by Lower Platte South Natural Resources District with assistance from JEO Consulting Group, Inc. of Lincoln, Nebraska; and

WHEREAS, the City of Lincoln participated in the preparation of the plan and affirms that the plan will be updated no less than every five years; and

WHEREAS, the purpose of the mitigation plan is to lessen the effects of disasters by increasing the disaster resistance of the City and participating jurisdictions located within the planning boundary by identifying the hazards that affect the City and prioritize mitigation strategies to reduce potential loss of life and property damage from those hazards, and

WHEREAS, FEMA regulations require documentation that the plan has been formally adopted by the governing body of Lincoln, Nebraska in the form of a resolution and further requesting approval of the plan at the Federal Level;

NOW, THEREFORE, the City Council of Lincoln, Nebraska, does herewith approve and adopt the portions of the Lower Platte South NRD Multi-jurisdictional Hazard Mitigation Plan which pertain to the jurisdiction of the City of Lincoln, specifically sections 1 through 6 and the Lincoln portion of section 7.

Introduced by Jon Camp

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

ORDINANCES - 2ND READING & RELATED RESOLUTIONS (as required)

ANNEXATION 15009 - AMENDING THE LINCOLN CORPORATE LIMITS MAP BY ANNEXING APPROXIMATELY 4.02 ACRES OF PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD - CLERK read an ordinance, annexing and including the below described

land as part of the city of Lincoln, Nebraska and amending the corporate limits map attached to and made a part of ordinance no. 18208, to reflect the extension of the corporate limits boundary of the city of Lincoln, Nebraska established and shown thereon, the second time.

CHANGE OF ZONE 15026 - APPLICATION OF ROGER H. SCHWISOW REVOCABLE TRUST FOR A CHANGE OF ZONE FROM AG AGRICULTURAL DISTRICT TO R-3 RESIDENTIAL DISTRICT ON PROPERTY GENERALLY LOCATED AT NORTH 56TH STREET AND ALVO ROAD - CLERK read an ordinance, amending the Lincoln Zoning district maps adopted by reference and made a part of title 27 of the Lincoln Municipal Code, pursuant to section 27.05.020 of the Lincoln Municipal Code, by changing the boundaries of the districts established and shown thereon, for the second time.

AMENDING CHAPTER 2.06 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE MAYOR'S AUTHORITY TO EXECUTE CONTRACTS BY ADDING A NEW SECTION NUMBERED 2.06.120 REQUIRING COUNCIL APPROVAL OF NON-BID CONTRACTS ABOVE \$50,000.00 - CLERK read an ordinance, amending chapter 2.06 of the Lincoln Municipal Code relating to the Mayor's Authority to execute contracts by adding a new section numbered 2.06.120 requiring Council approval of non-bid contracts above \$50,000.00, for the second time.

ORDINANCES - 3rd READING & RELATED RESOLUTIONS

TEXT AMENDMENT 15020 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE RELATING TO THE LINCOLN ZONING ORDINANCE BY AMENDING SECTIONS 27.67.040(Y) AND 27.67.100(C) TO ALLOW UNPAVED PARKING FOR GREENHOUSES AND GARDEN CENTERS IN THE AG ZONING DISTRICT - CLERK read an ordinance, introduced by Roy Christensen, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending subsection (y) of Section 27.67.040 to provide that parking for greenhouses and garden centers located in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls; amending subsection (c) of Section 27.67.100 to provide that parking lots may be provided on unpaved areas in the AG zoning district where specifically authorized under the special parking requirements in Section 27.67.040; and repealing Sections 27.67.040 and 27.67.100 of the Lincoln Municipal Code as hitherto existing, the third time.

CHRISTENSEN Moved to pass the ordinance as read.

Seconded by Eskridge and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybold; NAYS: None.

The ordinance, being numbered **#20263**, is recorded in Ordinance Book #29.

RESOLUTION - FOR ACTION ONLY

AUTHORIZING AN APPLICATION TO THE NEBRASKA GAME & PARKS COMMISSION FOR LAND AND WATER CONSERVATION GRANT FUNDING ASSISTANCE FOR THE RENOVATION OF FOUR NEIGHBORHOOD PARK PLAYGROUNDS (NEIGHBORS, EASTERDAY, CRIPPLE CREEK, AND LINTEL PARKS). (10/5/15 - INTRODUCTION DELAYED TO 10/19/15) (10/26/15 - ACTION DELAYED 1 WEEK TO 11/2/15) - CLERK read the following resolution, introduced by Roy Christensen, who moved its adoption:

A-89346 WHEREAS, the Parks and Recreation Department of the City of Lincoln proposes to apply for assistance from the Nebraska Game and Parks Commission for Land and Water Conservation funds for the purpose of renovating four neighborhood park playgrounds (Neighbors, Easterday, Cripple Creek, and Lintel Parks); and

WHEREAS, the City of Lincoln has available and will apply its share of the project cost (\$200,000) and has the financial capability to maintain and will maintain the completed improvements in a safe and attractive manner for public use.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

The City of Lincoln hereby expresses its support for the application being made by its Parks and Recreation Department to the Nebraska Game and Parks Commission for federal assistance from the Land and Water Conservation Grant to provide financial support for the renovation of Neighbors, Easterday, Cripple Creek, and Lintel Parks.

The City of Lincoln has budgeted its 50 percent match to the proposed funding total and will allocate these funds toward this project upon project approval by NGPC. The City has the financial capacity to operate and maintain the completed project and park property in a safe, attractive, and sanitary manner.

The City of Lincoln will not discriminate against any person on the basis of race, color, age, religion, disability, sex, or national origin in the use of any property or facility acquired or developed pursuant to the project proposal, and shall comply with the terms and intent of Title VI of the Civil Rights Act of 1964, P.L. 88-354(1964), and any of the regulations promulgated pursuant to such Act by the Secretary of the Interior and contained in 43 CFR 17.

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No property acquired and/or developed under this project shall, without the approval of NGPC and the Secretary of the Interior, be converted to other than public outdoor recreation use. Such approval may be granted only if it is in accord with the then existing Statewide Comprehensive Outdoor Recreation Plan (SCORP), and only upon such conditions as deemed necessary to assure the substitution of other outdoor recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location. The City will replace the land in the event of a conversion in use in accordance with Section 6(f)(3) of the Land and Water Conservation Fund Act of 1965, as amended.

The City agrees to comply with all State and Federal requirements and standards where they can be applied in making the facilities developed under this project, and all future projects, accessible to and usable by the disabled.

The Mayor is hereby authorized to sign all documents to obtain financial assistance, including a Project Agreement with the State of Nebraska and the National Park Service.

The City Clerk is directed to transmit a certified copy of this Resolution to the Parks and Recreation Department for inclusion with the application to the Nebraska Game and Parks Commission.

Introduced by Roy Christensen

Seconded by Eskridge and carried by the following vote: AYES: Christensen, Eskridge, Fellers, Gaylor Baird, Raybould; NAYS: Camp, Lamm.

RECONSIDERATION

APPLICATION OF MVPZ AND ME - LINCOLN, LLC DBA BURGERFI FOR A CLASS I LIQUOR LICENSE AND A CLASS E ENTERTAINMENT DISTRICT LIQUOR LICENSE AT 300 CANOPY STREET, SUITE 150. (10/26/15 - RECONSIDERED TO HAVE ACTION ON 11/2/15) - CLERK read the following resolution, introduced by Carl Eskridge, who moved its adoption:

A-89296 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of MVPZ AND ME - Lincoln, LLC dba BurgerFi for a Class "T" liquor license at 300 Canopy Street, Suite 150, Lincoln, Nebraska, for the license period ending April 30, 2016, be approved with the condition that:

1. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.
2. The premises must comply in every respect with all city and state regulations.
3. Obtain a valid sidewalk café permit.

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinance, the City Council recommends that the application of MVPZ AND ME - Lincoln, LLC dba BurgerFi for the issuance of an Entertainment District License at 300 Canopy Street, Suite 150, Lincoln, Nebraska, be approved with the condition that the following conditions run with the term of the license and any renewal:

1. The Entertainment District License area includes one commons area located on the east side of Canopy Street, commonly known as the Railyard, shown in Attachment "A".
2. In addition to the requirements or restrictions contained in Chapter 5.04 and 5.21 of the Lincoln Municipal Code, the Entertainment District License is subject to the following requirements or restrictions:
 - a. The commons area and sidewalk café shall be designed, constructed, and operated as presented in Attachment "A" or as modified in compliance with Chapter 5.21.010.
 - b. The Entertainment District License shall be bound by the restrictions and agreements contained in Resolution No. A-87257 and A-87387.
 - c. The City Council retains the ability to amend, suspend, revoke, or not renew the Railyard Promotional Associate's Entertainment District designation and permit subject to Chapter 5.21.030. Should the City Council amend, suspend, revoke, or decide not to renew the designation or permit, the applicant's Entertainment District License shall be automatically amended or expire as applicable.

3. All employees must possess a valid Responsible Beverage Server/Seller Permit as required by Section 5.04.124 of the Lincoln Municipal Code.

4. The premises must comply in every respect with all city and state regulations.

The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Carl Eskridge

Seconded by Christensen and carried by the following vote: AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Lamm, Raybould; NAYS: None.

RESOLUTIONS - 1ST READING

- ASSESSING LIENS FOR COSTS OF REGISTRATION FEES AND PENALTIES FOR NEGLECTED BUILDINGS ON THE PROPERTIES GENERALLY LOCATED AT 226 SOUTH 29TH STREET, 2125 SOUTH 14TH STREET, 2217 SOUTH 67TH STREET, 1609 SOUTH 27TH STREET, 1344 D STREET, 615 WEST JOEL STREET, AND 3015 N STREET AND ASSESSING A LIEN FOR COSTS OF DEMOLITION ON THE PROPERTY GENERALLY LOCATED AT 441 D STREET.
- ADOPTING THE LINCOLN ELECTRIC SYSTEM ANNUAL BUDGET FOR 2016 TO BECOME EFFECTIVE JANUARY 1, 2016. (ACTION DATE: 12/7/15)
- ADOPTING THE LINCOLN ELECTRIC SYSTEM RATE SCHEDULES TO BECOME EFFECTIVE JANUARY 1, 2016. (ACTION DATE: 12/7/15)
- APPROVING A GRANT CONTRACT BETWEEN THE COMMUNITY HEALTH ENDOWMENT AND THE LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT TO ASSIST LOWER INCOME AND UNINSURED LINCOLN AND LANCASTER COUNTY RESIDENTS IN ACCESSING A DENTAL HOME FOR DENTAL TREATMENT AND CONTINUITY OF CARE FOR A TERM OF JULY 1, 2015 THROUGH JUNE 30, 2018 FOR A GRANT IN THE AMOUNT OF \$492,862.00.

ORDINANCES - 1ST READING & RELATED RESOLUTIONS (as required)

- ORDINANCE AUTHORIZING THE EXECUTION OF A FIRST AMENDMENT TO LEASE AGREEMENT, AND A TAX COMPLIANCE AGREEMENT IN CONNECTION WITH AN ADJUSTMENT TO THE INTEREST RATE PROVISIONS OF THE CITY’S INDUSTRIAL DEVELOPMENT PROMISSORY REVENUE NOTE (NEBRASKA SCHOOL ACTIVITIES ASSOCIATION PROJECT) SERIES 2015 - CLERK read an ordinance, introduced by Leirion Gaylor Baird, amending Chapter 27.67 of the Lincoln Municipal Code relating to Parking by amending subsection (y) of Section 27.67.040 to provide that parking for greenhouses and garden centers located in the AG zoning district may be provided on unpaved areas, except for ADA accessible stalls; amending subsection (c) of Section 27.67.100 to provide that parking lots may be provided on unpaved areas in the AG zoning district where specifically authorized under the special parking requirements in Section 27.67.040; and repealing Sections 27.67.040 and 27.67.100 of the Lincoln Municipal Code as hitherto existing, the first time.

ADJOURNMENT

5:36 P.M.

- CAMP Moved to adjourn the City Council Meeting of November 2, 2015.
 Seconded by Christensen and carried by the following vote; AYES: Camp, Christensen, Eskridge, Fellers, Gaylor Baird, Raybould, Lamm; NAYS: None.

Teresa J. Meier, City Clerk

Alexis Traylor, Office Specialist